



PATENT
0933-0210P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Mart SAARMA et al. Conf.: 3435
Appl. No.: 10/648,361 Group: Unknown
Filed: August 27, 2003 Examiner: UNKNOWN
For: NOVEL NEUROTROPHIC FACTOR PROTEIN AND
USE THEREOF

INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FILING OF AN APPLICATION
BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE
OR CONCURRENTLY WITH A RULE 1.114 RCE APPLICATION)

FEB 9 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-1449(s), attached hereto.

II. COPIES (check at least one box)

- a. ☐ This application was filed before June 30, 2003. Accordingly, submitted herewith is a legible copy of (i) each U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- b. ☒ This application was filed on or after June 30, 2003. Accordingly, copies of cited U.S. patents and patent application publications therefore are not included. Copies of foreign patent documents and non-patent literature are included.

- c. ☐ Some or all of the documents listed on the PTO-1449 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

III. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

- a. ☒ **DOCUMENTS IN THE ENGLISH LANGUAGE**

The patents, publications, or other information listed on the attached PTO 1449 are in the English language and therefore, do not require a statement of relevancy.

- b. ☐ **DOCUMENTS NOT IN THE ENGLISH LANGUAGE**

A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

- c. ☐ **ENGLISH LANGUAGE SEARCH REPORT**

An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).

- d. ☒ **OTHER**

The following additional information is provided for the Examiner's consideration.

Copies of some of the references listed on the attached PTO-1449 Form are provided on the enclosed CD-Rom.

FEES

IV. ☒ THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b):
(check one box)

- a. ☐ within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required. (This section is not to be used with RCE's.)
- b. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.
- c. ☐ concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.
- d. ☒ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required.
In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. ☐ THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

- a. ☐ No statement; therefore, a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
- or
- b. ☐ See the statement below. No fee is required.

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a. ☐ each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.
- c. ☐ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VII. PAYMENT OF FEES (check one box)

- ☐ A check in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p) is enclosed for the above-identified fee.
- ☐ Please charge Deposit Account No. 02-2448 in the amount required by 37 C.F.R. § 1.17(p) for the above-indicated fee. A triplicate copy of this paper is attached.
- ☒ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

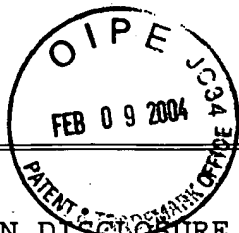
By 
Gerald M. Murphy, Jr., #28,977

KLR
GMM/las
0933-0210P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s): ☒ PTO-1449
☒ Documents
☐ Foreign Search Report
☐ Fee
☒ Other: CD-Rom containing references

(Rev. 09/30/03)



FEB 9 2004 Sheet 1 of 5 ()

Form PTO-1449

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

ATTY. DOCKET NO.
0933-0210PAPPLICATION NO.
10/648,361APPLICANT
Mart SAARMA et al.FILING DATE
August 27, 2003GROUP
Unknown

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	Kind	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	US 2002-0182198	A1	2002-12-05	Commissiong et al.			
	US						
	US						
	US						
	US						
	US						
	US						
	US						
	US						

FOREIGN PATENT DOCUMENTS

	Office	DOCUMENT NUMBER	Kind	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
								YES	NO
	EP	1 033 401	A2	2000-09-06	EUROPE				
	WO	01/19851	A2	2001-03-22	WIPO				
	WO	01/55317	A2	2001-08-02	WIPO				
	WO	01/55320	A2	2001-08-02	WIPO				
	WO	01/70174	A2	2001-09-27	WIPO				
	WO	02/068638	A1	2002-09-06	WIPO				
	WO	02/070539	A2	2002-09-12	WIPO				
	WO	02/074956	A2	2002-09-26	WIPO				
	WO	02/079246	A2	2002-10-10	WIPO				
	WO	02/098902	A2	2002-12-12	WIPO				

OTHER DOCUMENTS

(Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.

Bibel et al., Genes and Development, 14:2919-2937, 2000

Peaire et al., Journal of Neuroscience Methods, 124, 61-74 (2003)

Airaksinen et al., Molecular and Cellular Neuroscience, 13, 313-325 (1999)

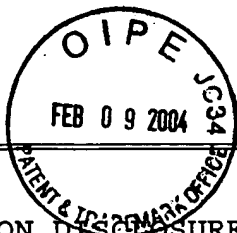
Airaksinen et al., Nature Reviews Neuroscience, Vol. 3, 383-394, May 2002

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

GMM/KLR/las



FEB 9 2004 Sheet 2 of 5 ()

Form PTO-1449

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

ATTY. DOCKET NO.
0933-0210PAPPLICATION NO.
10/648,361APPLICANT
Mart SAARMA et al.FILING DATE
August 27, 2003GROUP
Unknown

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	Kind	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	US						
	US						
	US						
	US						
	US						
	US						
	US						
	US						

FOREIGN PATENT DOCUMENTS

	Office	DOCUMENT NUMBER	Kind	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
								YES	NO

OTHER DOCUMENTS

(Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.)

	Shridhar et al., Oncogene, 12, 1931-1939 (1996)
	Shridhar et al., Oncogene, 14, 2213-2216 (1997)
	Petrova et al., Journal of Molecular Neuroscience, Vol. 20, 173-187 (2003)
	Okazaki et al., Nature, Vol. 420, 563-573, Dec. 2002 (with supplementary information)
	Genbank Accession No. AX573504: WO 02/079246 A 8 10-OCT-2002

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

GMM/KLB/las
KUR



FEB 9 2004 Sheet 3 of 5 ()

Form PTO-1449

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**

(Use several sheets if necessary)

ATTY. DOCKET NO.
0933-0210PAPPLICATION NO.
10/648,361APPLICANT
Mart SAARMA et al.FILING DATE
August 27, 2003GROUP
Unknown**OTHER DOCUMENTS** (Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.)

Genbank Accession No. BC037872: R. Strausberg, NIH-MGC Project, National Institutes of Health, Mammalian Gene Collection (MGC), Submitted (16-SEP-2002)

Genbank Accession No. AI807908: NCI-CGAP, National Cancer Institute, Cancer Genome Anatomy Project, Tumor Gene Index, Unpublished (1997)

Genbank Accession No. BI464979: NIH-MGC, National Institutes of Health, Mammalian Gene Collection (MGC), Unpublished (1999)

Genbank Accession No. BG742840: NIH-MGC, National Institutes of Health, Mammalian Gene Collection (MGC) Unpublished (1999)

Genbank Accession No. F31353: G. Lanfranchi et al., Genome Res. 6 (1), 35-42 (1996)

Genbank Accession No. BG742772: NIH-MGC, National Institutes of Health, Mammalian Gene Collection (MGC), Unpublished (1999)

Genbank Accession No. AA018863: L. Hillier et al., Genome Res. 6 (9), 807-828 (1996)

Genbank Accession No. AV657190: X Xu et al., Proc. Natl. Acad. Sci. USA 98 (26), 15089-15094 (2001)

Genbank Accession No. BD030478: J. B. D. M. Edwards et al., JP 2001-269182-A 6724 02-OCT-2001

Genbank Accession No. AK034009:
P. Carninci et al., Meth. Enzymol. 303, 19-44 (1999)
P. Carninci et al., Genome Res. 10 (10), 1617-1630 (2000)
K. Shibata et al., Genome Res. 10 (11), 1757-1771 (2000)
J. Kawai et al., Nature 409 (6821), 685-690 (2001)
The Fantom Consortium and the RIKEN Genome Exploration Research Group Phase I & II Team, Nature 420, 563-573 (2002)
J. Adachi et al., The Institute for Physical and Chemical Research (RIKEN), Submitted (16-JUL-2001)

Genbank Accession No. BB625884: T. Arakawa et al., Laboratory for Genome Exploration Research Group, RIKEN Genomic Sciences Center, Unpublished (2001)

Genbank Accession No. BI964826: D. Melton et al., Endocrine Pancreas Consortium, Harvard University, Howard Hughes Medical Center, Unpublished (2000)

Genbank Accession No. AX573503: L. Bougueleret et al., WO 02/079246-A 7 10-OCT-2002

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

GMM/KLR/las

LKR



FEB 9 2004

Sheet 4 of 5 ()

Form PTO-1449

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**

(Use several sheets if necessary)

ATTY. DOCKET NO.
0933-0210PAPPLICATION NO.
10/648,361APPLICANT
Mart SAARMA et al.FILING DATE
August 27, 2003GROUP
Unknown**OTHER DOCUMENTS** (Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.)

Genbank Accession No. AC069544:

D. R. Smith, Genome Therapeutics Corp. Submitted (02-JUN-2000)

D. R. Smith, Genome Therapeutics Corp. Submitted (21-DEC-2001)

D. R. Smith, Genome Therapeutics Corp. Submitted (25-APR-2002)

Genbank Accession No. AQ412924: S. Zhao et al., Department of Eukaryotic Genomics, The Institute for Genomic Research, Unpublished (1997)

Genbank Accession No. AX573508: L. Bougueleret, WO 02/079246-A 12 10-OCT-2002

Genbank Accession No. AZ537498: G. Henkel; Aurora Biosciences Corp, Unpublished (2000)

Genbank Accession No. AI214900: NCI-CGAP, National Cancer Institute, Cancer Genome Anatomy Project (CGAP), Tumor Gene Index, Unpublished (1997)

Genbank Accession No. BG213461: J. J. Harrington, Nat. Biotechnol. 19 (5), 440-445 (2001)

Genbank Accession No. BI963176: D. Melton, Endocrine Pancreas Consortium, Harvard University, Howard Hughes Medical Institute, Unpublished (2000)

Genbank Accession No. AA725810: NCI-CGAP, National Cancer Institute, Cancer Genome Anatomy Project (CGAP), Tumor Gene Index, Unpublished (1997)

Genbank Accession No. AX573502: L. Bougueleret et al., WO 02/079246-A 6 10-OCT-2002

Genbank Accession No. AX573525: L. Bougueleret et al., WO 02/079246-A 29 10-OCT-2002

Genbank Accession No. AX573507: L. Bougueleret et al., WO 02/079246-A 11 10-OCT-2002

Genbank Accession No. AA018896: L. Hillier et al., The WashU-Merck EST Project, Washington University School of Medicine, Unpublished (1995)

Genbank Accession No. BF150043: NCI-CGAP, National Cancer Institute, Cancer Genome Anatomy Project (CGAP), Tumor Gene Index, Unpublished (1997)

Genbank Accession No. AA885943: NCI-CGAP, National Cancer Institute, Cancer Genome Anatomy Project (CGAP), Tumor Gene Index, Unpublished (1997)

Genbank Accession No. AX573506: L. Bougueleret et al., WO 02/079246-A 10 10-OCT-2002

Genbank Accession No. AX573505: L. Bougueleret et al., WO 02/079246-A 9 10-OCT-2002

Genbank Accession No. CB785684: Amgen EST Program, Amgen, Inc., Unpublished (2003)

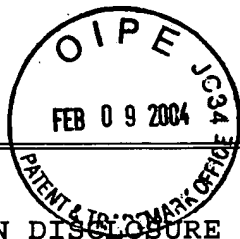
EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

GMM/KLR/las

VLR



FEB 9 2004

Sheet 5 of 5 ()

Form PTO-1449

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**

(Use several sheets if necessary)

ATTY. DOCKET NO.
0933-0210PAPPLICATION NO.
10/648,361APPLICANT
Mart SAARMA et al.FILING DATE
August 27, 2003GROUP
Unknown**OTHER DOCUMENTS** (Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.)

Genbank Accession No. AQ458921: G. G. Mahairas et al., Proc. Natl. Acad. Sci. USA 96 (17) 9739-9744 (1999)

Genbank Accession No. AAH07282: R. Strausberg, National Institutes of Health, Mammalian Gene Collection (MGC), Submitted (01-MAY-2001)

Genbank Accession No. AAB08753: V. Shridhar et al., Oncogene 12 (9), 1931-1939 (1996)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

GMM/KLR/las

KLR